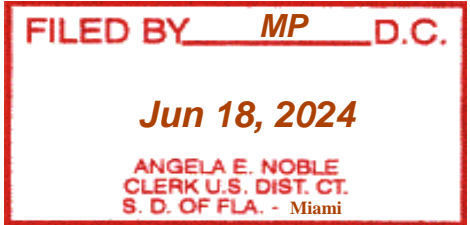


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-20188-CR-RUIZ(s)
18 U.S.C. § 1956(h)
18 U.S.C. § 1956(a)(3)(B)
18 U.S.C. § 982



UNITED STATES OF AMERICA

vs.

DIOVANY GUTIERREZ,
GABRIEL ANTONIO MARTINEZ,
PAOLA ANDREA SANCHEZ MORENO,
ANDREW SHAWN FERMIN,
CARLOS ANDREZ VELEZ, and
KIMBERLY RUIZ,

Defendants.

_____ /

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT 1

Beginning in or around June 2023, and continuing through on or about June 11, 2024, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants,

**DIOVANY GUTIERREZ and
GABRIEL ANTONIO MARTINEZ,**

did knowingly and voluntarily combine, conspire, confederate, and agree with each other and other persons, both known and unknown to the Grand Jury, to commit certain offenses against the United States, in violation of Title 18, United States Code, Section 1956, that is, to knowingly conduct a

financial transaction affecting interstate and foreign commerce, which transaction involved the proceeds of specified unlawful activity, believing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to:

(a) conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

(b) avoid a transaction reporting requirement under State and Federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii).

It is further alleged that the specified unlawful activity is the manufacture, importation, sale, and distribution of a controlled substance, punishable under the laws of the United States.

All in violation of Title 18, United States Code, Section 1956(h).

COUNT 2

On or about June 23, 2023, in Broward County, in the Southern District of Florida, and elsewhere, the defendants,

**DIOVANY GUTIERREZ and
GABRIEL ANTONIO MARTINEZ,**

did conduct a financial transaction affecting interstate and foreign commerce involving property, that is, funds and monetary instruments including United States currency, represented by a law enforcement officer to be the proceeds of specified unlawful activity, with the intent to conceal and disguise the nature, location, source, ownership and control of said property, in violation of Title 18, United States Code, Sections 1956(a)(3)(B) and 2.

It is further alleged that the specified unlawful activity is the manufacture, importation,

sale, and distribution of a controlled substance, punishable under the laws of the United States.

COUNT 3

On or about July 6, 2023, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**DIOVANY GUTIERREZ and
GABRIEL ANTONIO MARTINEZ,**

did conduct a financial transaction affecting interstate and foreign commerce involving property, that is, funds and monetary instruments including United States currency, represented by a law enforcement officer to be the proceeds of specified unlawful activity, with the intent to conceal and disguise the nature, location, source, ownership and control of said property, in violation of Title 18, United States Code, Sections 1956(a)(3)(B) and 2.

It is further alleged that the specified unlawful activity is the manufacture, importation, sale, and distribution of a controlled substance, punishable under the laws of the United States.

COUNT 4

On or about August 3, 2023, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

DIOVANY GUTIERREZ,

did conduct a financial transaction affecting interstate and foreign commerce involving property, that is, funds and monetary instruments including United States currency, represented by a law enforcement officer to be the proceeds of specified unlawful activity, with the intent to conceal and disguise the nature, location, source, ownership and control of said property, in violation of

Title 18, United States Code, Sections 1956(a)(3)(B) and 2.

It is further alleged that the specified unlawful activity is the manufacture, importation, sale, and distribution of a controlled substance, punishable under the laws of the United States.

COUNT 5

On or about August 29, 2023, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**DIOVANY GUTIERREZ and
GABRIEL ANTONIO MARTINEZ,**

did conduct a financial transaction affecting interstate and foreign commerce involving property, that is, funds and monetary instruments including United States currency, represented by a law enforcement officer to be the proceeds of specified unlawful activity, with the intent to conceal and disguise the nature, location, source, ownership and control of said property, in violation of Title 18, United States Code, Sections 1956(a)(3)(B) and 2.

It is further alleged that the specified unlawful activity is the manufacture, importation, sale, and distribution of a controlled substance, punishable under the laws of the United States.

COUNT 6

Beginning in or around June 2023, and continuing through the return of this Superseding Indictment, in Miami-Dade and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants,

**DIOVANY GUTIERREZ,
GABRIEL ANTONIO MARTINEZ,
PAOLA ANDREA SANCHEZ MORENO,
ANDREW SHAWN FERMIN,
CARLOS ANDREZ VELEZ, and
KIMBERLY RUIZ,**

did knowingly and voluntarily combine, conspire, confederate, and agree with each other and other persons, both known and unknown to the Grand Jury, to commit certain offenses against the United States, in violation of Title 18, United States Code, Section 1956, that is, to knowingly conduct a financial transaction affecting interstate and foreign commerce, which transaction involved the proceeds of specified unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to:

(a) conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

(b) avoid a transaction reporting requirement under State and Federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii).

It is further alleged that the specified unlawful activity is the manufacture, importation, sale, and distribution of a controlled substance, punishable under the laws of the United States.

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE ALLEGATIONS

The allegations of this Superseding Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which any of the defendants, **DIOVANY GUTIERREZ, GABRIEL ANTONIO MARTINEZ, PAOLA ANDREA SANCHEZ MORENO, ANDREW SHAWN FERMIN, CARLOS ANDREZ VELEZ, and KIMBERLY RUIZ**, have an interest.

1. Upon conviction of a violation of Title 18, United States Code, Section 1956, as

alleged in this Indictment, the defendants shall forfeit to the United States any property, real or personal, involved in such offense, and any property traceable to such property, pursuant to Title 18, United States Code, Section 982(a)(1).

2. The property subject to forfeiture as a result of the alleged offenses includes, but is not limited to, the following cryptocurrency wallets and their contents:

1. TWxpG6BnSGjQJEmWPGMHZFxBMC6GQ9gnHP
2. TQq8cg6erBLw6Bd1R7soAt1m3TMY2Afjuv

and the following bank account and its contents:

3. Bank of America account number 898149780396

All pursuant to Title 18, United States Code, Section 982(a)(1), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL

FOREPERSON


MARKENZY LAPOINTE
UNITED STATES ATTORNEY


JUAN ANTONIO GONZALEZ
ASSISTANT UNITED STATES ATTORNEY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA**CASE NO.:** 24-CR-20188-RUIZ(s)

v.

DIOVANY GUTIERREZ, et al.,

CERTIFICATE OF TRIAL ATTORNEY_____
Defendants.**Court Division** (select one)

- ☒ Miami ☐ Key West ☐ FTP
☐ FTL ☐ WPB

Superseding Case Information:

New Defendant(s) (Yes or No) Yes
 Number of New Defendants 4
 Total number of new counts 1

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
3. Interpreter: (Yes or No) Yes
List language and/or dialect: Spanish
4. This case will take 7 days for the parties to try.
5. Please check appropriate category and type of offense listed below:
 (Check only one) (Check only one)
 I ☐ 0 to 5 days ☐ Petty
 II ☒ 6 to 10 days ☐ Minor
 III ☐ 11 to 20 days ☐ Misdemeanor
 IV ☐ 21 to 60 days ☒ Felony
 V ☐ 61 days and over
6. Has this case been previously filed in this District Court? (Yes or No) Yes
If yes, Judge Ruiz Case No. 24-cr-20188-Ruiz
7. Has a complaint been filed in this matter? (Yes or No) Yes
If yes, Magistrate Case No. 24-mj-03125-Torres; 24-mj-03145-Goodman
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
9. Defendant(s) in federal custody as of 6/11/2024
10. Defendant(s) in state custody as of N/A
11. Rule 20 from the _____ District of _____
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No
14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No
15. Did this matter involve the participation of or consultation with Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
16. Did this matter involve the participation of or consultation with now Magistrate Judge Marta Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No

By: UMBaleo Jr

Juan A. Gonzalez

Assistant United States Attorney

FL Bar No. 897388

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: DIOVANY GUTIERREZ

Case No: 24-CR-20188-RUIZ(s)

Counts #: 1 and 6

Conspiracy to launder monetary instruments

Title, 18 United States Code, Section 1956(h)

- * **Max. Term of Imprisonment: 20 years**
- * **Mandatory Min. Term of Imprisonment (if applicable): N/A**
- * **Max. Supervised Release: 5 years**
- * **Max. Fine: \$500,000.00 or twice the value of the property involved in the transaction**

Counts #: 2-5

Laundering monetary instruments

Title 18, United States Code, Section 1956(a)(3)(B)

- * **Max. Term of Imprisonment: 20 years**
- * **Mandatory Min. Term of Imprisonment (if applicable): N/A**
- * **Max. Supervised Release: 5 years**
- * **Max. Fine: 10,000.00 or the value of the property involved in the transaction**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GABRIEL ANTONIO MARTINEZ

Case No: 24-CR-20188-RUIZ(s)

Counts #: 1 and 6

Conspiracy to launder monetary instruments

Title, 18 United States Code, Section 1956(h)

- * **Max. Term of Imprisonment: 20 years**
- * **Mandatory Min. Term of Imprisonment (if applicable): N/A**
- * **Max. Supervised Release: 5 years**
- * **Max. Fine: \$500,000.00 or twice the value of the property involved in the transaction**

Counts #: 2, 3, 5

Laundering monetary instruments

Title 18, United States Code, Section 1956(a)(3)(B)

- * **Max. Term of Imprisonment: 20 years**
- * **Mandatory Min. Term of Imprisonment (if applicable): N/A**
- * **Max. Supervised Release: 5 years**
- * **Max. Fine: 10,000.00 or the value of the property involved in the transaction**

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: PAOLA ANDREA SANCHEZ MORENO

Case No: 24-CR-20188-RUIZ(s)

Count #: 6

Conspiracy to launder monetary instruments

Title, 18 United States Code, Section 1956(h)

*** Max. Term of Imprisonment: 20 years**

*** Mandatory Min. Term of Imprisonment (if applicable): N/A**

*** Max. Supervised Release: 5 years**

*** Max. Fine: \$500,000.00 or twice the value of the property involved in the transaction**

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ANDREW SHAWN FERMIN

Case No: 24-CR-20188-RUIZ(s) |

Count #: 6

Conspiracy to launder monetary instruments

Title, 18 United States Code, Section 1956(h)

*** Max. Term of Imprisonment: 20 years**

*** Mandatory Min. Term of Imprisonment (if applicable): N/A**

*** Max. Supervised Release: 5 years**

*** Max. Fine: \$500,000.00 or twice the value of the property involved in the transaction**

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: CARLOS ANDREZ VELEZ

Case No: 24-CR-20188-RUIZ(s)

Count #: 6

Conspiracy to launder monetary instruments

Title, 18 United States Code, Section 1956(h)

*** Max. Term of Imprisonment: 20 years**

*** Mandatory Min. Term of Imprisonment (if applicable): N/A**

*** Max. Supervised Release: 5 years**

*** Max. Fine: \$500,000.00 or twice the value of the property involved in the transaction**

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: KIMBERLY RUIZ

Case No: 24-CR-20188-RUIZ(s)

Count #: 6

Conspiracy to launder monetary instruments

Title, 18 United States Code, Section 1956(h)

*** Max. Term of Imprisonment: 20 years**

*** Mandatory Min. Term of Imprisonment (if applicable): N/A**

*** Max. Supervised Release: 5 years**

*** Max. Fine: \$500,000.00 or twice the value of the property involved in the transaction**

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**